

Chapter 5.87

SWAP MEETS AND FLEA MARKETS

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5.87.010 Swap meets and flea markets—Definitions.

For the purposes of this chapter:

- A. “Flea market” means and shall be considered a swap meet.
- B. “Swap meet licensee” means any person who rents, lends or leases his premises to temporary sellers for use as a marketplace to barter and exchange goods.

5.87.020 License—Required.

It is unlawful to hold a swap meet or flea market without having first obtained a license therefore as is provided in this chapter. The

license fee for a charity may be waived by the manager upon application.

5.87.030 License—Application—Investigation.

Application for a swap meet license shall be made to the license official, and shall state thereon the name of the applicant, the place of business, and the number of employees intended to be engaged, type of sale to be conducted, description of the place where such sale is to be held, itemized list of goods, wares and merchandise to be offered for sale (including those on order and not received), where and from whom such stock was purchased or acquired, and if not purchased, the manner of such acquisition, and such other additional information as the license official may require. The police department or any other officer of the city designated by the manager shall investigate each applicant for such license, and shall report back to the manager whether or not such applicant is a person who has been convicted of the offense of receiving stolen goods, burglary, larceny, or robbery. The license of any swap meet licensee who is presently in business and so convicted shall be revoked.

5.87.040 License—Fee.

The annual fee for a swap meet license shall be as specified in the fee schedule adopted pursuant to section 5.06.050, which shall be in addition to the general business license fee.

5.87.050 Swap meet licensee—Right to issue daily business licenses.

A swap meet licensee shall have the right to issue daily business licenses to resident sellers upon receiving the required fee, refer to fee schedule 5.06.050, and the signed, certified license applications listing the goods to be sold or exchanged.

5.87.060 Pawnbroker and secondhand dealer restrictions.

No swap meet licensee shall conduct the business of pawnbroker or secondhand dealer without having obtained the licenses required for such dealers in addition to his swap meet license.

5.87.070 License—Revocation.

In addition to other penalties provided by law, any swap meet licensee violating the provisions of this chapter may have his license revoked or suspended.

5.87.080 Posting of regulations concerning lost property.

It is unlawful to conduct a swap meet unless he shall keep conspicuously posted in his place of business copies of this section and *Utah Code Ann.* § 76-6-407 (or any amendments thereto) dealing with lost property converted by a finder.

5.87.090 Sales subject to law—Prohibited sales designated.

All swap meet sales shall be in accordance with the law. No sales of firearms, pyrotechnics, ammunition, explosives, alcoholic beverages or medicines shall be made by sellers on the swap meet licensee's premises. No seller under the age of 18 shall be entitled to sell or dispose of goods at the swap meet without the written, notarized permission of his parents or legal guardian.

5.87.100 Sellers—Licensing requirements.

A. All sellers shall apply to the swap meet licensee for a license to sell on the premises of a swap meet licensee. Each seller must furnish to the swap meet licensee a signed statement containing the required information outlined in section 5.87.030 along with the following certification:

I certify that I am the lawful and legal owner of the listed property which is free and clear from all liens

and encumbrances. I further certify that the property descriptions are true and correct and I am aware that the use of a fictitious name or furnishing false information on this form is punishable by law. I am also aware that a copy of this application shall be forwarded to the police department within 24 hours after it is submitted to the owner or manager of the premises where the sale is held.

B. Upon receiving the required fee and application form, the swap meet licensee shall furnish to the seller a daily business license permit which will allow the seller to sell on the day requested, subject to revocation by the police department for the violation of any provisions of this chapter. Any seller having his license revoked by the police department may petition the manager within ten days after the revocation for review of the action by the police department. The manager, upon reviewing the action of the police department, may rescind the revocation or make the revocation permanent by prohibiting the seller from selling at a swap meet for a period of up to one year.

5.87.110 Time and procedure for sales.

A. Resident sellers must apply for a daily business license no less than ten days in advance of the day they wish to utilize a swap meet licensee's premises. Nonresident sellers must apply to the police department for the screening of all goods to be sold on a swap meet licensee's premises, and the issuance of a nonresident seller's license prior to the date of the sale. However, if the swap meet licensee employs, at its own expense, a police officer to enforce and administer the licensing provision of this article, then resident sellers may utilize the swap meet licensee's premises on the same day application is made for daily business permits.

B. For purposes of this chapter, "resident"

means a person or entity who has a valid Utah driver's license, a Utah university or college ID containing a resident seller's picture, or a Utah business license.

5.87.120 Liability of principal.

The holder of a swap meet license is liable for any and all acts of his employees, and for any violation by them of the provisions of this chapter.

5.87.130 Recordkeeping—Requirements generally.

A. Every swap meet licensee doing business in the city shall keep a record of all sellers wishing to utilize his premises. The record shall contain:

1. A description of the seller, including:
 - a. Name, including middle initial;
 - b. Address;
 - c. Sex;
 - d. Nationality;
 - e. Height;
 - f. Weight;
 - g. Color of hair;
 - h. Color of eyes;
 - i. Driver's license number and state of issue;
 - j. Occupation; and
 - k. Date of birth.
2. A description of the seller's vehicle, including:
 - a. Make;
 - b. Model;
 - c. Year;
 - d. Color;
 - e. License number and state; and
 - f. Registered owner if different than person offering articles for sale or exchange; and
3. A description of articles offered for sale, including:
 - a. Name of article;
 - b. Size;
 - c. Color;
 - d. Serial number or ID mark;
 - e. The number of a seller's sales tax per-

mit, if any;

f. The number of the seller's daily business license permit; and

g. The date the seller applied to sell.

B. Provided, however, that for used merchandise with no ID marks, where the value of the goods is under \$5, the licensee may simply note on the form approved by the police department that the seller is selling the following types of items: clothing, books, dishes, art work, bedding, toys, produce, bottles, or other types of household items specified on the form.

5.87.140 Lists of lost or stolen property.

The police department shall circulate a list of reported lost and stolen property to all swap meet licensees.

5.87.150 Report of suspected lost or stolen goods.

It shall be the duty of every swap meet licensee to report to the police department any article he has reason to believe was stolen, or lost and found by the person attempting to sell it.

5.87.160 Recordkeeping—Reports to police department.

It is unlawful for any swap meet licensee to fail to deliver on the date of application to the police department, a legible and accurate copy of the records required under section 5.48.370 along with the seller's daily business license permit fee.

5.87.170 Violation—Penalty.

In addition to other penalties provided by law, any person violating the provisions of this article shall be guilty of a misdemeanor. No seller shall be deemed to have substantially complied with these provisions if:

A. He fails to list all the property proposed to be sold or exchanged; or

B. He fails to list the correct serial number or identifying mark(s) of such property;

and

C. He gives false information as to his identity or the property's identity, even though such information is not specifically required by this chapter.